REMARKS

Applicants respectfully request further examination and reconsideration in view of the arguments set forth fully below. In the Office Action mailed July 19, 2006, Claims 1-3, 5-8, 10-11 and 22-31 have been rejected. In response, the applicants have submitted the following remarks. Accordingly, Claims 1-3, 5-8, 10-11 and 22-31 are still pending. Favorable reconsideration is respectfully requested in view of the remarks below.

Rejections Under 35 U.S.C. §103

Claims 1-3, 5-8, 10-11, and 22-31 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,363,393 to Ribitzky (hereafter Ribitzky) in view of U.S. Patent No. 6,266,675 to Evans et al.(hereafter Evans), and further in view of U.S. Patent No. 6,574,629 to Cooke, Jr. et al (hereinafter Cooke). The applicants respectfully disagree with this rejection.

Within the Office Action, it is once again stated that in columns 9 and 10 of Ribitzky, a first component and a second component having a functional code segment as well as a first user interface code segment is taught. It is also stated within the Office Action that a container application having a first user interface layer in communication with the first component and a second user interface layer in communication with the second component is taught.

The Applicants respectfully submit that while a "container" application 212 is specifically taught in Ribitzky, the Applicants are unable to identify a teaching of a functional code segment and a first user interface, or a functional code segment. The Applicants respectfully submit that the Examiner has failed to identify these teachings in Ribitzsky as well. As is recognized by the Office Action, Ribitzsky does not teach the uniform user interface such that the patient data of the functionality code segments and the first and second computer components are formatted with the same look and feel. Furthermore, it is recognized in the Office Action that Ribitzsky and Evans combined do not teach a PACS or a RIS.

Within the Office Action, it is stated that Evans teaches a uniform user interface such that the patient data of the functionality code segments of the first and second components are formatted with the same look and feel. Evans teaches a system and method for using a relational database to enable the dynamic configuration of an application program. As is taught in several passages of Evans, this invention teaches utilizing a relational database to uniformly configure data from a single application program, not from multiple components. Referring to the cited column 7 and 8 of Evans, and the corresponding figures, the Applicants respectfully submit that it is apparent that the Evans references does indeed utilize a relational database to uniformly configure data from a single application program, as none of the figures, nor the accompanying specification even show or disclose multiple applications (such as PACS or RIS) from which to pull first and second functionality code segments and user interface code segments for formatting to the same look and feel.

The Applicants respectfully agree that Cooke teaches a PACS configured with a RIS interface (cited by Examiner). However, the Applicants fail to find any teaching or suggestion in any of the cited references to combine any or all of the references, nor has the Examiner cited any such teachings. Applicants respectfully suggest that in the outstanding Office Action, the rejections evidence picking and choosing features of various references and combining them when there is no suggestion in those references to do so. It is impermissible within the framework of a 35 U.S.C. §103 rejection to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one skilled in the art. Furthermore, obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absence some teaching or suggestion supporting the combination. Teachings of references can be combined only if there is some suggestion or incentive to do so. The Applicants respectfully resubmit that neither the business data accessing system of Ribitzsky, the

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relational database system of Evans, nor the PACS system of Cooke teach combining any of these references with one another.

Furthermore where the Examiner relies upon three, four or more references in support of a single rejection, the multiplicity of references supports the Applicants' assertion of non-obviousness, because even with knowledge of the Applicants' structure, the Examiner had to rely on not one or two, but three references, and pick and choose among the features of those references to come up with the elements of the claimed invention. But for the knowledge of Applicants structured, gleaned from reading the application, it is not likely that the Examiner or another skilled in the art would have thought of picking one part from one reference, one part from another, and still more from another. No one skilled in the art, so far as the patents cited by the Examiner are concerned, thought of making this combination, as evidenced from the multiplicity of references that are necessary to make the rejection. In addition, as is argued previously in this response, even if the combination were made and proper, none of them teach the functionality code segments and first and second user interface code segments being formatted with the same look and feel, as is taught in the present invention.

The Examiner is relying upon hindsight, having knowledge of the Applicants own structure. But for this knowledge, the combination of references would not have occurred to the Examiner, as it did not occur to those skilled in the art to make the asserted combination. In other words, the combination proposed by the Examiner is being made only in light of his or her knowledge of the Applicants disclosure.

The independent Claim 1 is directed to a data management system for patient data, comprising a PACS having a functionally code segment and a first user interface code segment, a RIS having a functionality code segment and a second user interface code segment, and a container application having a first user interface layer in communication with the PACS and a second user interface layer in communication with the RIS, wherein the first and second user interface layers are configured to convert the first user interface code segment of the PACS and the second user interface code segment of the RIS to a

uniform user interface and to communicate patient data between the functionality code segments of the PACS and RIS, respectively, and the uniform user interface such that the patient data of the functionality code segments of the PACS and RIS are formatted with the same look and feel.

As described above, neither Ribitzky, Evans, Cooke, nor their combination teach or make obvious a functionality code segment and a user interface code segment, nor a uniform user interface to communicate patient data between the functionality code segments of the components and the uniform user interface such that the patient data of the functionality code segments of the PACS and RIS are formatted with the same look and feel.

Claims 2-3, 5-6, and 28-31 are dependent upon the independent Claim 1. As described above, the independent Claim 1 is allowable over the teachings of Ribitzky, Evans, Cooke, and their combination. Accordingly, Claims 2-3, 5-6 and 20-31 are also allowable being dependent upon an allowable base claim.

The independent Claim 7 is directed to a data management system for patient data. For the same reasons described above for Claim 1, the independent Claim 7 is also allowable over the teachings of Ribitzky, Evans, Cooke, and their combination.

Claims 8 and 10-11 depend upon the independent Claim 7. As described above, the independent Claim 7 is allowable over the teachings of Ribitzky, Evans, Cooke, and their combination. Accordingly, Claims 8 and 10-11 are also allowable as being dependent upon allowable base claim.

The independent Claim 22 is directed to a method of displaying patient data from a plurality of applications. For the reasons described above in Claims 1 and 7, the independent Claim 22 is allowable over the teachings of Ribitzky, Evans, Cooke, and their combination.

Claims 23-27 depend upon the independent Claim 22. As discussed above, the independent Claim 22 is allowable over the teachings of Ribitzky, Evans, Cooke, and
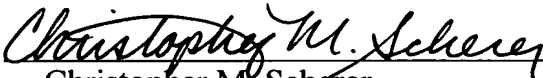
their combination. Accordingly, Claims 23-27 are also allowable being dependent upon allowable base claim.

For these reasons, applicants respectfully submit that all of the claims are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at (414)271-7590 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

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